

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
OFFICE OF FINANCIAL AND INSURANCE REGULATION

Before the Commissioner of the Office of Financial and Insurance Regulation

In the matter of:

Marc Allen Fuller,

Enforcement Case No. 10-11061

NMLS No. 198604,

Applicant.

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This 3rd day of May, 2011,
By Stephen R. Hilker,
Chief Deputy Commissioner

ORDER OF DENIAL
OF MORTGAGE LOAN ORIGINATOR LICENSE APPLICATION

I.

STATEMENTS OF LAW

1. Licensure of Mortgage Loan Originators in the State of Michigan is governed and regulated under the Mortgage Loan Originator Licensing Act, 2009 PA 75, as amended, MCL 493.131 *et. seq.*, (the "Act").
2. Under Michigan law an applicant may have the right to appeal this order.
3. Section 9(1)(d) of the Act, MCL 493.139(1)(d), states that:

(1) The commissioner shall not issue a mortgage loan originator license unless the commissioner makes at a minimum the following findings:

* * *

(d) The applicant has demonstrated financial responsibility, character, and general fitness that commands the confidence of the community and warrants a determination that the mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of this act.

4. Section 3(i) of the Act, MCL 493.133(i), defines "Licensed Mortgage Loan Originator" as, "a mortgage loan originator who holds a valid license issued by the commissioner under this act."

5. At the time of application, Section 3(l) of the Act, MCL 493.133(l), defined a "Mortgage Loan Originator" as person who meets all of the following:

(i) For compensation or gain or in the expectation of compensation or gain, does any of the following:

(A) Takes a residential mortgage loan application.

(B) Offers or negotiates terms of a residential mortgage loan.

(ii) Is not an individual engaged solely as a loan processor or underwriter except as otherwise provided in section 5(3).

(iii) Is not a person who only performs real estate brokerage activities and is licensed or registered under the laws of this state, unless the person is compensated by a lender, a mortgage broker, or other mortgage loan originator or by any agent of a lender, mortgage broker, or other mortgage loan originator.

(iv) Is not a person solely involved in extensions of credit relating to timeshare plans, as that term is defined in 11 USC 101(53D).

6. Section 5(1) of the Act, MCL 493.135(1), states:

Subject to subsection (5), unless specifically exempted under subsection (2), beginning July 31, 2010, an individual shall not engage in the business of a mortgage loan originator with respect to any dwelling located in this state without first obtaining and maintaining annually a license under this act. Each licensed mortgage loan originator must register with and maintain a valid unique identifier issued by the nationwide mortgage licensing system and registry.

7. Section 5(2) and 5(5) of the Act, MCL 493.135(2) and (5) do not apply in this case.

8. Section 21(a) of the Act, MCL 493.151(a), states:

In addition to any other duties imposed on the commissioner under this act, the commissioner shall require mortgage loan originators to be licensed and registered through the nationwide mortgage licensing system and registry. To carry out this requirement, the commissioner is authorized to participate in the nationwide mortgage licensing system and registry and may by rule establish other requirements that he or she considers necessary, including, but not limited to, any of the following:

(a) Background checks for any of the following:

- (i) The criminal history of a licensed mortgage loan originator or license applicant through fingerprint or other databases.
- (ii) Information about a licensed mortgage loan originator or license applicant in civil or administrative records.
- (iii) A licensed mortgage loan originator's or license applicant's credit history.
- (iv) Any other information about a licensed mortgage loan originator or license applicant considered necessary by the nationwide mortgage licensing system and registry.

9. Section 33(1)(a) of the Act, MCL 493.163(1)(a), states:

(1) In addition to any authority provided under this act, the commissioner may conduct any of the following investigations and examinations:

(a) For purposes of initial licensing, license renewal, license suspension, license conditioning, license revocation or termination, or general or specific inquiry or investigation to determine compliance with this act, the commissioner may access, receive, and use any books, accounts, records, files, documents, information, or evidence, including, but not limited to, any of the following:

- (i) Criminal, civil, and administrative history information.
- (ii) Personal history and experience information, including independent credit reports obtained from a consumer reporting agency, as defined in section 603 of the fair credit reporting act, 15 USC 1681a.
- (iii) Any other documents, information, or evidence the commissioner considers relevant to the inquiry or investigation, regardless of the location, possession, control, or custody of those documents, information, or evidence.

II.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. On or about July 14, 2010, the Applicant submitted an application for a Mortgage Loan Originator License under the Act.


2. The Commissioner's staff, accordingly, thereafter conducted a full and complete investigation of the Applicant pursuant to Sections 21 and 33 of the Act, MCL 493.151 and 493.163.
3. The Commissioner's staff concluded and determined from that investigation that the Applicant is ineligible for licensure under the Act because the Applicant has failed to demonstrate the requisite financial responsibility, character, and general fitness necessary to command the confidence of the community and warrant a determination that the mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of the Act. Specifically, the investigation revealed that the Applicant is subject to several unpaid civil judgments and a state tax lien, which the Applicant has been unable to satisfactorily resolve or explain.
4. Section 9(1)(d) of the Act, MCL 493.139(1)(d), states that:
 - (1) The commissioner shall not issue a mortgage loan originator license unless the commissioner makes at a minimum the following findings:

 - (d) The applicant has demonstrated financial responsibility, character, and general fitness that commands the confidence of the community and warrants a determination that the mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of this act.
5. Based upon the foregoing facts, it is concluded that MARC ALLEN FULLER does not meet the minimum licensing requirements of Section 9(1)(d) of the Act, MCL 493.139(1)(d), and is ineligible for licensure under the Act.

B. ORDER

Based on the Statement of Law, and the Findings of Fact and Conclusions of Law above, it is **ORDERED** that:

- A. The application of MARC ALLEN FULLER for licensure as a Mortgage Loan Originator under the Act shall be and hereby is **DENIED**.
- B. MARC ALLEN FULLER shall immediately cease and desist from conducting any activities that require licensure under the Act.



Stephen R. Hilker
Chief Deputy Commissioner

Dated: 5/3/11